

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WACEY MOUNTAIN CHIEF,

Defendant.

CR-17-83-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on October 4, 2023. (Doc. 115.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on October 3, 2023. (Doc. 110.) The United States accused Wacey Mountain Chief (Mountain Chief) of violating his conditions of supervised release 1) by using methamphetamine; 2) by committing another crime; 3) by failing to maintain regular employment; 4) by

failing to answer truthfully the questions asked by his probation officer on two separate occasions; and 5) by failing to participate in substance abuse testing. (Doc. 108.)

At the revocation hearing, Mountain Chief admitted to having violated the conditions of his supervised release 1) by using methamphetamine; 2) by committing another crime; 3) by failing to maintain regular employment. The Court dismissed alleged violations 4, 5 and 6 on the government's motion. (Doc. 110.) Judge Johnston found that the violations Mountain Chief admitted prove serious and warrant revocation of his supervised release. (Doc. 115.) Judge Johnston recommends a sentence of time served, with 32 months of supervised release to follow. Judge Johnston also recommended that Mountain Chief be subject to home confinement during the first 180 days of his term of supervised release and maintain full-time employment (40 hours a week) on or before October 10, 2023. (Doc. 115.) Mountain Chief was advised of his right to appeal and allocute before the undersigned and waived those rights. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 115) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Wacey Mountain Chief be sentenced to the Bureau of Prison for a period of time served, with 32 months of supervised release to follow.

Mountain Chief will be on home confinement for the first 180 days of supervised release and will obtain full-time (40 hours a week) on or before October 10, 2023 and will maintain full-time employment during the entire term of his supervised release.

DATED this 11th day of October, 2023.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable.

Brian Morris, Chief District Judge
United States District Court